

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MILTON ARIAIL, Individually And On Behalf :
of All Others Similarly Situated, : Civil Action No. 06-CV-10234
Plaintiff, :
vs. :
XETHANOL CORPORATION, LAWRENCE :
S. BELLONE, CHRISTOPHER D'ARNAUD- :
TAYLOR and JEFFERY S. LANGBERG, :
Defendants. :
:

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**DECLARATION OF LEWIS S. KAHN IN SUPPORT OF MOTION OF
COUNSELL GROUP TO CONSOLIDATE ALL RELATED CASES; TO BE
APPOINTED LEAD PLAINTIFFS; AND TO APPROVE PROPOSED LEAD
PLAINTIFFS' CHOICE OF COUNSEL**

JOSEPH SPOTO, On Behalf of Himself and All :
Others Similarly Situated, : Civil Action No. 06-CV-11476

Plaintiff, :
vs. :

XETHANOL CORPORATION, LAWRENCE :
S. BELLONE, CHRISTOPHER D'ARNAUD- :
TAYLOR and JEFFERY S. LANGBERG, :

Defendants. :

ROBERT D. HAMILTON, Individually and On :
Behalf of All Others Similarly Situated, : Civil Action No. 06-CV-11477

Plaintiff, :
vs. :

XETHANOL CORPORATION, :
CHRISTOPHER D'ARNAUD-TAYLOR and :
LAWRENCE S. BELLONE, :

Defendants. :

CHERYL DIFRUSCIO, Individually and On :
Behalf of All Others Similarly Situated, : Civil Action No. 06-CV-11516

Plaintiff, :
vs. :

CHRISTOPHER D'ARNAUD-TAYLOR, :
LAWRENCE S. BELLONE, JEFFERY S. :
LANGBERG and XETHANOL :
CORPORATION :

Defendants. :

CHAD JONES, Individually and On Behalf of :
All Others Similarly Situated, : Civil Action No. 06-CV-13128

Plaintiff, :
vs. :

XETHANOL CORPORATION, LAWRENCE :
S. BELLONE, CHRISTOPHER D'ARNAUD- :
TAYLOR and JEFFERY S. LANGBERG :
:

Defendants. :

ROBERT LINDBERG, Individually and On :
Behalf of All Others Similarly Situated, :

Plaintiff, :
vs. :

CHRISTOPHER D'ARNAUD-TAYLOR, :
LAWRENCE S. BELLONE, JEFFERY S. :
LANGBERG and XETHANOL :
CORPORATION :

Defendants. :

DAVID LEMOINE, Individually and On Behalf :
of All Others Similarly Situated, :

Plaintiff, :
vs. :

XETHANOL CORPORATION, LAWRENCE :
S. BELLONE, CHRISTOPHER D'ARNAUD- :
TAYLOR and JEFFERY S. LANGBERG :
:

Defendants. :

I, Lewis S. Kahn, declare as follows:

1. I am a member of the law firm of Kahn Gauthier Swick, LLC.
2. I submit this Declaration in support of the Motion of the Counsell Group to appoint the Counsell Group to serve as Lead Plaintiffs on behalf of the Class and to approve movant's choice of Kahn Gauthier Swick, LLC as Lead Counsel (the "Counsell Lead Plaintiff Motion"). I am fully familiar with the facts set forth herein.
3. I have spoken to all four members of the Counsell Group as well as former member Martin Schehin on multiple occasions prior to the December 26, 2006 filing of the Counsell Lead Plaintiff Motion and during the course of the briefing on the Lead Plaintiff motions.
4. In the course of my conversations with Mr. Schehin prior to January 16, 2007, the issue of possible past legal problems involving him did not come up.
5. I had no knowledge that any such past legal problems potentially existed until the evening of Tuesday, January 16, 2007, when I received a call from Stuart Berman, a partner at Schiffrian & Barroway, LLP ("S&B"), which represents the "Xethanol Investor Group." Mr. Berman indicated that he had reason to believe Martin Schehin had criminal and/or civil issues that would preclude him from serving as a Lead Plaintiff. Moreover, Mr. Berman requested the middle initials of all Counsell Group members so he could further research their backgrounds.
6. Mr. Berman stated that he would be filing an opposition to the Counsell Lead Plaintiff Motion the next day, but was calling as a professional courtesy in order to allow me one day to research and communicate with Mr. Schehin about Mr. Berman's

findings. However, later on the evening of January 16, 2007, Mr. Berman called me back to inform me that he would be filing his opposition that evening. That same evening, the S&B firm filed its declaration in support of its opposition brief. (The opposition brief itself was actually dated and filed on January 17, 2007). These documents for the first time disclosed the basis for Mr. Berman's allegations.

I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct.

Executed this 26th day of January, 2007 at New Orleans, Louisiana.

/s/ Lewis S. Kahn (LA #23805)

Lewis S. Kahn